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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2164

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/603,601

Applicant(s)

MARKS, JAMES D.

Examin r

Sam Rimell

Art Unit

2164

-- The MAILING DATE of this c mmunicati n appears on th c ver sheet with the c rrespondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-14, 23-40 and 51 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-14, 23-40, 51 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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Preliminary Note: A new grounds of rejection has been applied to claim 35, where such new grounds were not necessitated by amendment. Accordingly, this office action is made non-final.

Claims 1-7, 12-14 and 28-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 12, 28 and 29: Each of claims 1, 12, 28 and 29 have been amended to recite two features which are found to be new matter: (1) Commands including a first question or second question; (2) questions which themselves identify an expert. These features are not set forth in the original specification.

Claims 2-7, 13-14 and 30-34: Depend from claims 1, 12, 28 and 29 respectively.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10, 35-40 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas et al. (U.S. Patent 6,039,688) and Liles et al. (U.S. Patent 5,880, 731).

Claim 8: FIG. 14 illustrates an on-line forum available on a network site (col. 8, lines 1-5). The forum includes an expert (chairperson) and users (the remaining participants). The forum discusses a topic, typically related to a multi-media presentation (col. 12, lines 45-46 and lines

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63-67). Payments are made by a third party to provide customers of the third party access to the site (see FIG. 54 which shows the payment costs for using the site under “Heartland Costs” and col. 19, lines 40-44 shows that a health plan incurs the cost).

Douglas et al. differs in that it does not specifically show the participants exchanging questions and answers. However, the reference to Liles et al. illustrates an analogous Avatar based discussion forum. As taught in col. 1, lines 23-25 and lines 39-45, the participants may exchange questions and answers with an expert.

It would have been obvious to one of ordinary skill in the art to modify Douglas et al. to have the participants exchange questions and answers with an expert in order to facilitate the learning by the participants as taught by Liles et al. In Douglas et al., one “benefit” may be access to the forum of FIG. 14.

Claim 9: In Douglas et al., one benefit may be access to the forum.

Claim 10: In Douglas et al., col. 14, lines 38-52, the user may receive credits which can be redeemed by interacting with the “village store” or “village agency” on the network site.

Claim 35: See remarks for claim 8. Additionally, the response made by the expert is posted in at least one fora, such as the fora in which the expert is communicating.

Claim 36: In Douglas et al. FIG. 14, responses are posted on the site in which they originate.

Claim 37: In Douglas et al. FIGS. 14-15, responses may be posted both on the site of FIG. 14 and also applied to a different site, such as that of FIG. 15.

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Claim 38: In Douglas et al., the peer review personnel may be any of the other participants besides the chairperson. Responses from the participants may be posted on either of the sites of FIGS. 14 or 15.

Claim 39: In Douglas et al., the chairperson's responses only appear on the site of FIG. 14.

Claim 40: The peer review personnel may be the other participants besides the chairperson. The responses from these participants may be posted on either of the sites shown in FIGS. 14 or 15.

Claim 51: In Douglas et al., the payments (illustrated in FIG. 54 as the "Heartland Costs") are paid to use and access the network sites.

Claims 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas et al. (U.S. Patent 6,039,688) in view of Liles et al. (U.S. Patent 5,880,731) and further in view of Christensen (US2003/088461).

Claim 23: Douglas et al. and Liles et al. differ from these claims in that they do not illustrate the points earned by the participant in the forum as being used for discounts on drugs. However, Christensen teaches that a user participating in an on-line website can receive coupons leading to discounts on specific grocery items, including health and beauty items (FIG. 6) which would include medical treatments or drugs. It would have been obvious to one of ordinary skill in the art to modify Douglas et al. and Liles et al. to further permit the user to exchange the earned gold points for discount coupons so as to give the user a wider choice of available rewards (rather than limiting the user to rewards in a village store) as taught by Christensen.

Claims 24-27: The expert is the chairperson and may inherently express multiple opinions or provide multiple types of information to the participants in the forum. The peers may be other participants in the forum.

Remarks

Applicant's arguments are well taken with respect to claim 35, and therefore the rejection of claim 35 under 35 USC 112, first paragraph is vacated, and this action is made non-final.

Claims 1, 12 28 and 29 have been amended so as to currently raise to issues of new matter. The first issue involves the recitation that commands include first or second questions. This feature is not found in the original specification, and additionally is not found at page 12, lines 17-24, cited by applicant in support of the amendment. The second feature involves the questions themselves identifying the experts. While page 12, lines 17-24 of the specification does refer to the user specifying an expert in addition to the question, it does not state that the question itself specifies the expert, which is what is being currently claimed.

Applicant's amendment to claim 8 has broadened the scope of coverage, thus triggering the new grounds of rejection under 35 USC 103(a) of claims 8-10 and 23-27.

Claims 35-40 and 51 are further rejected under 35 USC 103(a), although this rejection is not triggered by amendment. Accordingly, this action is made non-final.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell
Primary Examiner
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